take from me all I have left, my good

Progress in an Editorial.

Says Judiciary Sometimes Violates the Constitution.

HE FAVORS AN APPEAL

From the Highest Judicial Tribunal to the People.

They Alone Have the Right to the Last Word.

New York, Jan. 5.-Theodore Roosewelt discusses "judges and progress" in an editorial appearing in the current issue of The Outlook. He says in part: "Let me, at the outset, put so clearly that only wilful misinterpretation can

deceive people, just what my position as to the courts is. I have the very highest regard, the highest respect and whole, I think that our judiciary. As a whole, I think that our judicial officers stand on a higher level than any other body of public servants, or, for the matter of that, of private citizens. I could name off hand at this moment a number of judges now on the bench who render to the people more substantial services of mean far resulting a property of the services of mean far resulting a property of the services of mean far resulting a property of the services of mean far resulting a property of the services of mean far resulting a property of the services of mean far resulting a property of the services of the se admiration for the judiclary. As a who render to the people more substantial service of more far-reaching value than is rendered by any other men in public or private life—and all of these judges substantially agree with the position herein taken, which indeed is largely derived from them. I believe the courts have rendered our people the courts have rendered our people.

should be considered our people incalculable services. I hold that the attitude of our people toward them should be one of appreciation and respect; but not of servility.

I most emphatically believe that we have been wise in giving great power to our judges, including this power, of judicial interpretation of statutes to see whether they conform with the fundamental law of the land. But I also most firmly believe that, like any other power, this power can be abused, and that it is a power with which the people have merely temporarily parted, and not one which they have permanently alienated. Used cautiously and moderately and only in the clearest cases, as it has been used by our greatest judges from the days of Marshall to the present time, as it is defended by writers such as Mr. Thuyer, it is fraught with the utmost good to the body politic. Used recklessly, wantonly and foolishly where the case is so doubtful that the judges themselves may be divided nearly equally on the

ontinues:

Infortunated, used cautiously and only in the clearest as judges from the days of Marshall as the second politic. Used reckessly, wantonly discontinued for the property of the second politic. The from the property of the property of the second politic. The from the property of the second

Violate the Constitution.

"I hold not only that the courts in these matters have usurped or at least exercised in wholly wrong fashion a power properly and clearly abiding in the people but that they have thus strained to the utmost (and indeed in my judgment violated) the constitution in order to sustain a donothing philosophy which has everywhere completely broken down when applied to the actual conditions of modern life. These good judges these upright and well meaning men who champion an outworn philosophy do not realize that the changed conditions mean changed needs and that the tremendous social problem of today mendous social problem of today cannot be solved by methods adequate to meet the infinitely simpler prob-lems offered by industrial and social

life a century ago. "When I was president the man to whom I owed most for guidance as to the proper attitude that courts should take in matters such as these was Mr. William H. Moody afterwards justice of the supreme court who during his lamentably short term of service gave promise of being one of the greatest promise of being one of the greatest justices who ever sat on that court. It was he who called my attention to the first essay in Professor Thayer's book of 'legal essays' on 'the origin and scope of the American doctrine of constitutional law'. Nowhere else is there a clearer statement both of the advantage of conferring upon the courts the power that they possess under our system and also of the further fact that unless that power is wisely exercised it must inevitably be resirained. It is I believe an advantage to have fixed in the court the power to to have fixed in the court the power to state that a legislative act is uncon-stitutional; but only provided that the power is exercised with the greatest wisdom and self restraint.

An Appeal to the People. "If the courts continue to use it with

During this month, to prove my system of removing CORNS in one piece by the root is abso-intely painless, I will remove one corn Free.

NOTICE-Use the telephone and save waiting.

Edwards The Painless Chiropodist The Painless

Hours: 9 to 11 a, m., 2 to 4 p.m. 001 W. 12th St. Ind. 2555 Red.

POWER OF COURTS the recklessness that has too often been shown in the past, it is almost inevitable that efforts will be made to amend or abolish it I know, for instance, that, as far as I am personally concerned. I earnestly hope to see in the next New York state constitutional the next New York state constitutional inconvented in convention provisions incorporated in the constitution which will enable the people to decide for themselves by popular ballot after due deliberation, finally and without appeal, what the law of the land shall be in cases such as those I have mentioned, where the courts of the state have refused to allow the people to establish justice and equity.

Chicago, Jan. 5.—Jack Johnson did not

the courts will sooner or later, in one way or another, be forced to give it effect.

T. R. IS NOT IN IT.

(Continued from Page 1.)

"You ask me whether Mr. Roosevelt be held soon enough to give me time to get over to Paris for my June fight last ond descouraged and is discouraging in dose not desire to be a candidate; he has discouraged and is discouraging in every possible way all talk of his candidates, and he will take no active share of any kind in the contests of various candidates—contests which are always in evidence for two or three months proceeding any national convention."

Mr. Abbott then reviews at length Mr. Roosevelt's connection with national politics, during the last three years, "in order to understand the present politics, during the last three years, "in order to understand the present politics, during the last three years," in order to understand the present politics during the last three years, "in order to understand the present politics during the last three years," in order to understand the present politics during the last three years, "in order to understand the present politics during the last three years, "in order to understand the present politics during the last three years," in order to understand the present political situation with regard to the presidential nomination next summer." He then tells how Mr. Roosevelt declined

dential nomination next summer." He then tells how Mr. Roosevelt declined the Republican nomination in 1908, "which he very easily could have had," and how Mr. Taft's nomination and election were brought about.

Though it might beat me at running 28 miles and 385 yards."

Flynn, the doughty fireman, who says the thinks he can squelch Jack, will be along this way in a few days from the west. James is to mingle with Al Roler at New York.

specifically the position, but specifically the declares that the position of the first of the position of the first of the progressives against out of wy office on thind day, and the position of the first of the progressives against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the progressive against out of wy office on thind day, and the properties of the properti

Sixty-Five Out of 305 Cases Were Family Quarrels.

Emporia, Kan., Jan. 5 .- Three hun dred and five cases were filed in the Lyon county district court last year. These represented the legal difficulties These represented the legal difficulties of Lyon county citizens; the entanglements, from whose settlement twelves or fifteen lawyers made livings for themselves and their families; the violations of the peace of Lyon county and their punishment in court, which made necessary the machinery of court and prosecutor and sheriff's force. Of the number, 242 are civil suits, and sixty-three criminal actions. The majority of them have been settled. It was among the largest years of court business in the history of the district court.

OLD TRAILS ROUTE

OLD TRAILS ROUTE

After the charges against his character by Simon, the spotter himself made a statement in writing today to the State Journal. Bryan refterates his former statements and brands Simon's charges as an effort to clean his own skirts. Here is what Bryan register they have been having. All the other cities on the circuit are having the after the other cities on the circuit are having the other cities are being discovered and the same variety of gas pressure they have been having. All the other cities on the circuit are having the other cities on the cities are being discovery. "And what about that story that Topeka and other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are being discovery. "And what about that story that the other cities are trailing the other cities are verified against his char, the other cities are to see in the other. "The state of the other cities are verified and the cities are verified and the cities are verified against his char, the other cities are verified against his chear the cities are verified against his char, the oth

No Chance for Hitch in Fight

chicago, Jan. 5.—Jack Johnson did not sign articles to fight Jim Flynn today. But he did say that he would sign Saturaty. The champion cialms he will meet Flynn's manager and two rapreshelf for government to act at all—have not only the right but the duty to decide as wisdom and experience shall dictate as to all the conditions which shall obtain in tenement houses, in factories, in mines, on rallways, for preserving men, women and children in health, life and limb. If they so decide and are really bent upon having the decision reduced to practice, the courts will sooner or later, in one way or another, be forced to give it ef-Chicago, Jan. 5 .- Jack Johnson did not

Flynn, the doughty fireman, who says he thinks he can squelch Jack, will be along this way in a few days from the west. James is to mingle with Al Kubiak at Toronto on January 17 and probably with Al Palser at New York January 15. Kubiak will give him little trouble but the Palzer party is some fighter and may beat Jim to the white hope title and the chance at Johnson.

CREATES A STIR.

give me a chance to get squared up with you and make a little money. There are some places here, Judge, that should be closed. If you do anything for me, drop me a line, care of general delivery, city. Yours very truly.

"C. M. BRYAN."

Didn't Reply to Letter. "When I received this letter, I was convinced in my own mind that I had been taken in by a fakir and that the

district court.

There were more cases for divorce than criminal actions. Sixty-five uncongenialities of marriage grew so had that they had to be taken to the court on a piez of separation.

have implicit confidence to believe that my life and conduct in this community during all that time is a sufficient answer to these and all kindred charges against my sincerity and good faith as a prosecuting officer."

Bryan Replies to Simon.

Bryan Replies to Simon. After the charges against his char-

b Daughlers of the American Revolution. At a meeting here today the
than At a meeting here
than At a meeting here today the
than At a meeting here
than A

check on the Central National bank. HOLDS ABOVE if he had not done so he would no doubt have denied that he gave me

doubt have denied that he gave me any money.

"I told the whole truth in my affidavit, I regret that it became public. I have had enough grief on account of it without this notoriety. Mr. Dawson told the truth when he says I told him I had married a nice girl and wanted to get something respectable to do.

"Mr Simon is a lawyer. He advised me and led me into this business. I was used as long as I served his purpose to line his pockets with nice fees, while my wife and I lived on the verge of want. I was arrested by the federal government for doing what he told me to do and which I thought proper. There was nothing left me but the jail, the dungeon. I was without money or friends, while my wife was wholly dependent upon me. At this time when I needed friends were then I had aver

friends, while my wife was wholly de-pendent upon me. At this time when I needed friends worse than I had ever needed them in my life the attorney general and Mr. Simon both deserted me. Mr. Simon ought to be contented with this and the fees he got out of the cases brought on the evidence I gave him, instead of adding to the wrong he has already done me, the greatest of all wrongs, an attempt to take from me all I have left, my good Later to 64 Cents.

Provisions Go Higher and Display Considerable Strength.

Chicago, Jan. 5.—WHEAT—Incessant storms in the Argentine, making harvest conditions miserable, gave the wheat market an upward twist today. Improvement in cash demand at the leading markets outside of Chicago also counted in favor of the bulls.

The opening was 14c off to 14674c up. May started at \$1.00% to \$1.01 and rose to \$1.01%c.

May started at \$1.00% to \$1.01 and rose to \$1.01%c.

After the market had made a little further advance profit taking brought about a reaction. The close, however, was firm at \$1.61%, a gain of \$6 net.

CORN—Trade in corn was slow. Initial figures for May were \$6 to \$60%c down at \$5540.65%c to \$5%c. An ascent to \$6c followed.

The market continued to gain until reports that grading showed improvement ied to a set back. The close was firm, 140% net higher for May at 644004%c.

OATS—Oats showed duliness at the out-

branches and goes northeast. The other main, called the St. Joe line, goes straight north. At Haskell, near Law-rence the Topeka branch leaves the St. Joe line and goes northwest to Topeka. The other line goes straight north to Leavenworth and St. Joseph, with a Then there is County Clerk Zimmerman at the court house. He was peeved when the word county officials was used in the State Journal headlines. No effort was made to concet Mr. Zimmerman with the liquor traffic or anyone except people named in Bryan's statement. So far as is known Mr. Zimmerman might have been at the baseball games when the Bryan-sime ormands was puder was

Leavenworth and St. Joseph, with a branch for Atchison.

"It is true," said Manager Treleaven, "that at critical times the Kansas Natural Gas company apportions out the gas that all cities will receive an equal share. This was done in the best way possible last night. But let me tell you, Topeka always has had her share and sometimes more than her share."

All over the city coal dealers are delivering late into the night. With hundreds of furnaces going into coal, the gas company feels that an effect will be felt on the pressure throughout the city.

But for a better pressure from the main line—that is not promised. It is up to the consumers in the city to regulate their pressure. Simon crusade was under way.

Mrs. Mattle Weible of 1136 Taylor street says that Bryan and his wife boarded at her place and beat her out of a \$32 board bill. She says they left a worthless ring as security.

to read about high pressure reducers in weather like this.

"Well," groaned Manager Treleaven,
"I believe I know what you want. You want to know when the pressure will return how long it will last, if we will go clear out of gas and what relief my company has to offer."

Western Packing Co. Colorado Packing Co. Ruddy Bros. Plankington Packing Co. Smith Bros.

"Correct," returned the visitor.

"In the first place," began the man-

Handy Bros.

Mr. Wilkerson introduced in evidence the minutes of the first meeting of the National Packing company, held March 18, 1903 in Jersey City.

The bylaws of the corporation were read by counsel for the government. It was organized under the laws of New Jersey with a capital stock of \$15,000,000, to "engage in the packing business and such other enterprises or industries as this corporation may "In the first place," began the manager, "This low pressure will keep up—or rather keep down—as long as we have this kind of weather—;"
"But this is the kind of weather we want sas, interrupted the reporter, "—yes, I know, I knew you would say it," retorted the downtroaden head of the gas company. "I knew it was coming. But there is no answer. When everyone wants every inch of

industries as this corporation may deem advisable."

deem advisable."

A provision created an executive hoard with authority to exercise all the powers of the board of directors. Details of the purchase of the 13 independent packing companies for 315,900,000 which formed the nucleus of the National Packing company were given in a resolution adopted by the directors at their first meeting. The contracts relating to the trans-When everyone wants every inch of gas they can get into their furnaces and stoves it means that the demand gas they can get into their the greater than the supply—and there is no getting around the fact. In this kind of weather we haven't enough pressure to supply the wants. We just don't have it—and there is no other way to put it.

"If we have this kind of weather for the more days, then the consumers ten more days, then the demand dependent packing company of the National Packing compa

STOCK SHIPPERS

To Insure Yourselves Best Results Consign to CLAY, ROBINSON

Live Stock Commission Merchants, Stock Yards, Kan. City We Also Have Our Own Offices at Chicago, So. St. Joseph, So. Omaha, Denver, Sioux City, So. St. Paul., E. Buffalo, E. St. Louis and Fort Worth.

set, but soon worked higher on a light demand. May opened a shade to \$6.2 lower at 484,6485 to 485c and climbed to 685c.

PROVISIONS—Provisions displayed considerable strength. First sales were 24cd to 5075c higher with May delivery \$15.10 for pork, \$8.475 for lord and \$8.70 for ribs. RYE—No. 2, 346545c.

BARLEY—Socosis.

TIMOTHY—\$12.0065.00.

CLOVER—\$13.50629.50.

AD CORN

Chicago Grain Market. Chicago, Jan. 5. Open High Low Today Yes. WHEAT-100% 101 103% 100% 101% 101 . 95% 96 96% 96% 96 96% 16 . 94 94% 93% 94 93% Sept ORN-6376-76 6416-76 6316-76 6376-76 6376 6376 6476 6376 6476 6376-76 64 6476 64 6476 6076 May July Sept Jun. DATS July LARD-8.52½ 8.45 8.52½ 8.42½ 8.77½ 8.70 8.77½ 8.67½ 8.82½ 7.78 8.82½ 8.70

Kansas City Produce Market. Kansas City Froduce Market.

Kansas City, Jan. 5.—WHEAT—Cash:
Market steady. No. 2 hard, \$1.0091.07; No.
3, 960581.05; No. 2 red, \$1.02; No. 3, 9905
\$1.01.

CORN—Market steady to ½c higher. No.
2 mixed, 85c; No. 2, 63½c; No. 2 white, 856
66c; No. 3, 54½c.
OATS—Market steady. No. 2 white, 49c
\$650c; No. 2 mixed, 47½648c.
RYE—Soc.
HAY—Market strong to 50c higher.

HAY—Market strong to 50c higher. thoice timothy, \$21.00@22.00; choice prairie, 5.50@15.00. BUTTER—Creamery, 35c; firsts, 34c; econds, 32c; packing stock, 21c. EGGS—Extras, 31c; firsts, 29c; seconds,

WHEAT-Receipts, 9 cars. CLOSE: WHEAT-May, \$1.01%; July, CORN-May, 65% 265%c; July, 64% 256c.

Chicago Produce Market

Chicago, Jan. 5.—BUTTER-Market teady. Creameries, 255038c; dairies, 205 Chicago, Jan. 5.—Details of the organization of the National Packing company, formed March 18, 1903, with a capital of \$15.000,000, to operate the thirteen independent packing companies previously acquired by the Armour, Swift and Morris interests to be included in the proposed "billion dollar" merser, were given the jury today in the trial of the ten Chicago packers charged with conspiracy in

New York Produce Market. New York Produce Market.

New York, Jan. 5.—BUITER—Market steady. Creamery specials, 2714638c.

CHBESE—Market firm. Specials, 184c.
EGGS—Market firm. Fresh gathered extra firsts, 326324c; western gathered white, 326335c.

POULTRY—Alive, quiet and steady; western chicks, 162184c; fowis, 13231c; turkeys, 14618c; ducks, 18218c. Dressed, firm; western chicks, 66184c; fowis, 63184c; turkeys, 12620c.

Pacific broke to 1% below yesterday's closing and Reading. United States Steel and the Copper stocks also fell sharply. Denver and Rio Grande proferred was in good demand and rose 3 points as a result of the change in the executive manage-

Fractional recoveries threw the market Practional recoveries threw the market into duliness.

Renewed selling of Union Pacific, United States Steel and other active issues, together with a sharp decline in St. Paul, arrested the rise in Lehigh Valley and the list generally tended downward. Some of the favorite stocks touched the lowest figures of the week. Central Leather preferred lost 25.

The market closed strong. After Lehigh Valley had receded to last night's close and Union Pacific, Reading, St. Paul and United States Steel had been forced a point or more below, the list railled strongly on short covering.

New York Money Market.

New York, Jan. 5.—MONEY—Money on call easy, highest 2462%, per cent; ruling rates, 2% per cent; closing bids offered at 2% per cent; closing bids offered at 2% per cent; 30 days, 363% per cent; 6 days months, 3466% per cent.

CLOSE: Prime mercantile paper, 4466 day bills and at 34.86.45 for demand. Commercial bils, 34.85%.

SILVER—Bar silver, 55c; Mexican dellars, 466.

Bananas—Medium sized bimens bunch, \$20032.25; large bunches bunch, \$20032.25; lar

lars, 46c.

BONDS — Government and railroad bonds, steady.

Cotton Market. Galveston, Tex., Jan. 5.-COTTON-Market unchanged, 9%c. New York Sugar Market.

5.55. SHEEP-Receipts, 4,000. Market steady. Muttons, 51.35(2.35; lambs, 54.75(5.40; fed wethers and yearlings, \$2.56(5.35; fed ewes, \$2.75(24.00.

Chicago Lave Stock Market.
Chicago, Jan. 5.—CATTLE—Heccipis, estimated at 1.000. Market strong. Server, \$1.7095.50; Texas steers, \$2.7095.50; western steers, \$1.20096.50; stockers and feeders, \$2.205.50; cows and hellers, \$2.00 ifs.40; calves, \$5.50035.50.
HOGS—Receipts estimated at 21,000. Market slow, Light, \$3.2096.30; mixed, \$5.9035.30; heavy, \$5.9035.30; rough, \$5.303 \$0.0055.30; heavy, \$5.9035.30; rough, \$5.303 \$0.0055.30; bulk of sales, \$5.0036.30; one \$3.3036.50; western, \$3.7034.50; ventings, \$4.7034.60; western, \$3.7034.50; ventings, \$4.7034.60; western, \$3.7034.50; ventings, \$4.7034.60. Car lot receipts: Wheat, \$2.0035.30; lumbs, native, \$4.7036.60; western, \$4.7034.60. Car lot receipts: Wheat, \$2.0035.30; lumbs, Total receipts of wheat at Chicago, Minnespolls and Duluth today were 150 cars, compared with 260 cars last week and \$10 cars the corresponding day a year ago. Chicago Lave Stock Market.

Kansas City Live Stock Sales. [The following sales were made this morning at the Stock Yards, kanuas City, and reported over long distance telephone direct to the State Journal by Clay, Robinson & Co., live stock commission merchania, with offices at all markets.]

5,90 3. 6.15 67.

Topeka Markets.

[Furnished by the Chas. Wolff Packing Co., yards close at noon Saturday, We cannot use pigs, thin sows or hogs weighing less than 170 line. Do not market hogs unless same are well finished as we cannot use half fat stuff. We give below prices effective at once, until further notice.]

EGGS-Fresh country, No. 8.

RUTTER-Packing stock lise.

POULTRY-Hens, 4 lbs: and over, 9c, under 4 lbs. Pac: springs, 9c; stage, 74c; old cocks, 5c; ducks, 10c; gesse, 5c; fas young turkeys, 15c; old turkeys, 15c.

Topeka Grain Market. (Furnished by J. B. Hillard, corner Kan-nas ave. and Curtis st.)

WHEAT-SOUSSE KAFFIR CORN-Per cwt., 50095c. CORN-60c. Topeka Hay Market. [Furnshed by T. A. Heck, 312-214 E. 6th.]

PRAIRIE HAY-No. I, \$12.00; affaita, thoice, \$16.00; No. 1, \$15.00. Topeka Fruit and Produce Market.

Topeka Fruit and Fronce Market.

Topeka, Kan., Jan. 5.

BOX APPLES—Winesaps, per box, 11.75;

Jonathan, per box, 11.75; Ben Davis, per box, 11.40; Mo. Pippins, per box, 11.50;

BANANAS—Medium sized binches, per bunch, \$2.0032.55; large bunches, per bunch, \$2.0033.00. Port Limon, per in, 25.60.

NAVEL ORANGES-Per box, \$200. MEXICAN ORANGES, \$1.554.54 CRANEERRIES-Per | bol., \$10.75; box. POTATOES-Rural, bu., \$1.10; Burbank,

Butter and Eggs. (Furnished by The Continental Creamery Co., Topeka, Kan.)

Topeka, Kan., Jan. 8. CHICAGO EGGS—29830c. N. Y. EGGS-MAURIC. CREAMERY BUTTER-Chicago, Maj N. Y., MANGESIC, Eigin, Mc.

Topeka Hide Market. [Quotations furnished by James C. Smits lide Co., Its East Third stj

LADIES, FREE